

Effective 5/10/2016

**17-33-4.5 Council may refer an appeal to an administrative law judge for a recommendation
-- Council action on recommendation.**

- (1)
 - (a) A county legislative body may appoint one or more administrative law judges to hear appeals referred by a career service council under this section.
 - (b) Each administrative law judge shall be trained and experienced in personnel matters.
- (2)
 - (a) A career service council may refer an appeal to an administrative law judge appointed under Subsection (1) if the career service council determines that the referral is in the parties' best interest.
 - (b) After holding a hearing on an appeal described in Subsection (2)(a), the administrative law judge shall make findings of fact and a recommendation to the career service council.
 - (c) After receiving the administrative law judge's recommendation, the career service council may request the administrative law judge to hold a further factual hearing before the career service council issues a decision.
 - (d) The career service council may adopt or reject the administrative law judge's recommendation, whether before or after a further hearing under Subsection (2)(c).
- (3)
 - (a) A career service council shall refer an appeal to an administrative law judge appointed under Subsection (1) if the county employee or county official assigned by the governing body to manage personnel functions requests that the appeal be referred.
 - (b) In an appeal described in Subsection (3)(a), the administrative law judge, not the career service council, shall issue a final decision.

Amended by Chapter 145, 2016 General Session